

PLANNING AND DEVELOPMENT SERVICES REPORT
PRELIMINARY PLAT

PPPL2013-0001

DATE: **May 21, 2014**

MEETING DATE: **May 28, 2014**

REPORT BY: **Brian Kulina, AICP**

REQUEST:

A Preliminary Plat request from Westglen MHP, LLC for a Preliminary Plat of 201 condominium units on 27.9 acres located at 1450 W Kaibab Lane, within the Manufactured Housing (MH) zone.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission forward the Preliminary Plat to the City Council with a recommendation for approval.

PRESENT LAND USE:

Manufactured home park

PROPOSED LAND USE:

Manufactured home condominium

NEIGHBORHOOD DEVELOPMENT:

North: Burlington Northern Santa Fe railroad; Rural Residential (RR) zone
East: Various light industrial and office uses; Light Industrial (LI) and Commercial Service (CS) zones
South: Undeveloped and Maverik Gas Station; Highway Commercial (HC) zone
West: West Village Estates; Manufactured Housing (MH) zone

REQUIRED FINDINGS:

The Planning and Zoning Commission shall find that the proposed Preliminary Plat meets the requirement of the Zoning Code (City Code Title 10), the Subdivision Code (City Code Title 11), and the Engineering Design Standards and Specifications for New Infrastructure (City Code Title 13).

STAFF REVIEW:

Introduction and Discussion

Westglen MHP, LLC (the "Owner") is the property owner of record of 27.9 acres located approximately 950-feet east of the northeast corner of Thompson Street and Kaibab Lane (the "Subject Property"). The proposed preliminary plat subdivides the Subject Property into 201 condominium units. The Owner describes the project as "land condominiums" where the manufactured home park is divided into airspace units in accordance with applicable State Statutes and City Codes governing condominiums. The primary reason for the pursuit of a condominium over a traditional subdivision was that existing infrastructure (i.e. roads, water, sewer, etc.) could not feasibly be reconfigured to conform to City requirements. Further, Arizona Revised Statute 33-1205 states that City codes shall not prohibit a condominium form of ownership or impose any

requirement on a condominium that would not otherwise be imposed on a physically identical development under a different form of ownership. As proposed, the subdivision is only a change in the ownership structure of the existing manufactured home park. When the park was originally developed, it was done so in accordance with and conformance to existing codes. The proposed change in ownership does not alter the approved design or development standards of the park. Imposing adherence to new development standards would be in violation of State Statute. As is discussed in the Density/Intensity/Development Standards section of this report, the Owner has worked with the City to resolve some outstanding non-conforming issues.

Flagstaff Area Regional Land Use and Transportation Plan

The Flagstaff Area Regional Land Use and Transportation Plan (RLUTP) designates the Subject Property as Medium Density Residential. The Medium Density Residential land use designation includes the development of manufactured and modular homes with a full range of urban services and infrastructure. It is the intention of the Owner to change the ownership structure of the manufactured home park while retaining the operation of the Subject Property as a residential development. The proposed plat is in conformance with the current land use designation.

ZONING REQUIREMENTS:

The Subject Property is currently zoned Manufactured Housing (MH). The intent of the MH zone is for orderly planned development of manufactured housing parks and subdivisions to accommodate manufactured houses. In accordance with Section 10-40.30.030.B of the Zoning Code (Page 40.30-6) identifies Manufactured Home, Manufactured Home Park, and Manufactured Home Subdivision as permitted uses within the MH zone. While a manufactured home land condominium is not an expressly identified within the MH zone, staff believes that state law prohibits the City's ability to impose any additional entitlement requirements with the processing of the proposed preliminary plat. Therefore, no additional use entitlement work is required in at this time.

Density/Intensity/Development Standards

The Subject Property is proposed to develop as a 201 unit land condominium. A land condominium is different from a traditional condominium in that the underlying land will be owned in common and the airspace above will be subdivided and sold. This airspace is not contained within a structure. The vertical boundaries of each unit will be vertical planes extending upward and downward from the vertical boundaries identified on the preliminary plat for that unit. The units will not have any horizontal (upper and lower) boundaries; however, building height will be limited to 30-feet, which is the maximum building height of the underlying MH zoning district. Since this is a subdivision of airspace, specific unit setbacks were not established as there are no property lines between each unit.

To ensure that structures did not encroach upon exterior property lines, the following setbacks were applied; 15-foot front, 5-foot side, and 5-foot rear. At the request of staff, the Owner prepared a Plan of Action (the "Plan"), a copy of which is attached, to address potential nonconforming setback encroachments, building separations, parking, and outbuilding encroachments. Three units (16, 158, and 174) have an encroachment into the exterior setback. It is proposed that said encroachment be permitted to continue as nonconforming unit such time as the unit is purchased and a new manufactured home is placed on-site. To address the potential building separation nonconformities, a physical survey was performed and it was found that there are no nonconforming building separations. All primary buildings meet current building code separation requirements. Currently, two units (167 and 179) have no defined parking areas. This is due to the exiting manufacture home straddling space lines of existing rental spaces (i.e. 167/168 and 179/180). It is proposed that these spaces be platted as one unit. When the manufactured homes are replaced, the underlying units will be divided and appropriate parking will be provided for each new unit. There are numerous outbuildings located throughout the development. The majority of these buildings are contained within the limits of their respective rental spaces. However,

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there are several the cross spaces. It is proposed that these encroachments be permitted to continue through the granting of private easements. These easements will be maintained by the private parties and the association until such time as the unit that benefits from the easement is sold at which time the outbuilding must be removed.

The Subject Property contains 27.9 acres. In accordance with Section 10-40.30.030.C of the Zoning Code (Page 40.30-8), the maximum density allowed within the MH zoning district outside of the Resource Protection Overlay (RPO) Zone is 11 dwelling units/acre. Based on the preliminary plat, the Owner is proposing to develop the Subject Property at a density of 7.2 dwelling units/acre.

Natural Resources

In accordance with Section 10-50.90.020.A of the Zoning Code (Page 50.90-2), the Subject Property is not located within the established Resource Protection Overlay (RPO) Zone and is not required to protect established resources. However; a Natural Resource Protection Plan, a copy of which is attached to this report, was prepared by the Owner and approved by staff that identified existing and preserved on-site slope and forest resources. The proposed subdivision of the Subject Property has no impact on existing resources.

Open Space/Landscaping

In accordance with Section 10-40.30.030.C of the Zoning Code (Page 40.30-9), a minimum of 15% of the gross lot area shall be developed as open space. Based on the acreage of the Subject Property, that translates into 4.185 acres of open space. The Zoning Code further clarifies that open space includes active and passive recreation uses, landscape areas, and areas set aside for resource preservation. In a condominium subdivision, all areas outside of the units are classified as common area. The total amount of common area provided on the Subject Property is 6.41 acres. This translates into approximately 23% of the Subject Property as being developed as open space, which exceeds the minimum established by the Zoning Code.

In accordance with Section 10-50.60.020.B of the Zoning Code (Page 50.60-5), a single or cumulative addition, subsequent to May 7, 1992, that results in a 35% or more increase in dwelling units or the number of required parking spaces shall, to the maximum extent feasible, provide landscaping in compliance with the standards of the Zoning Code. The proposed preliminary plat is a mechanism to change the ownership structure of the existing manufactured home park. The subdivision does not increase in the number of units or required parking spaces. Therefore, conformance with new landscaping standards is not required.

Lighting

In accordance with Section 10-50.70.030.D of the Zoning Code (Page 50.70-3), a change in the use of an existing site where the new use results in a 25% or more increase in the number of dwelling units, gross floor area, or the number of required parking spaces, subsequent to the effective date of the Zoning Code, then all outdoor lighting shall be reviewed and brought into conformance with the requirements of the Outdoor Lighting Code. The proposed preliminary plat is a mechanism to change the ownership structure of the existing manufactured home park. There is no increase in the number of unit or required parking spaces. Based on those thresholds, the entire development does not need to come into compliance with outdoor lighting standards is not required. However, as each manufactured home is replaced or new manufactured homes are added, each home will be reviewed for compliance.

Building Design

In accordance with Section 10-50.20.020.B of the Zoning Code (Page 50.20-2), architectural design standards shall not apply to individual single-family dwellings. As each manufactured home is contained on an individual lot, it is classified as a single-

family dwelling and is not required to comply with established architectural design standards.

SYSTEMS ANALYSIS:

Traffic/Access/Pedestrian/Bicycle

The proposed preliminary plat does not contemplate an increase in the number of units provide on the Subject Property. Therefore, no traffic impact analysis was required for this development. Vehicular, bicycle, and pedestrian access to the Subject Property is available from West Route 66 either north along Woodlands Village Boulevard and then west along Kaibab Lane or north along Thompson Street and then east along Kaibab Lane. Internal access to each unit is provided through a series of private paved driveways.

A Flagstaff Urban Trail System (FUTS) trail is contemplated along the northeast corner of the Subject Property. This FUTS trail is part of a larger system that will run parallel with the BNSF railroad and eventually connect into the Downtown. In order to accommodate this connection, the Owner has worked with the Flagstaff Metropolitan Planning Organization and agreed to dedicate a FUTS Trail Easement, which is shown on the preliminary plat.

Water and Wastewater Systems

The Subject Property is served by an existing 8-inch looped water system and an existing 8-inch wastewater system. A Water and Sewer Impact Analysis was waived as part of this preliminary plat application. A separate analysis performed by the City Utilities Department determined that the existing off-site and proposed on-site water and sewer system infrastructures were adequate to accommodate the proposed development. The analysis further determined that there is adequate system capacity, and additional analysis work would not be required for this project. No off-site infrastructure improvements are required of this development.

Stormwater System

Clay Avenue Wash (the "Wash"), which currently runs through the middle of the Subject Property and is contained within a channelized setting, has been identified by the Federal Emergency Management Agency (FEMA) as a Special Flood Hazard Area (SFHA) with a Zone "AE" designation. The preliminary plat is a change in the ownership structure of the existing manufactured home park and does not contemplate any changes to operation of the Wash. No additional improvements are required of this development.

RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission forward the preliminary plat to the City Council with a recommendation for approval.

Attachments:

- Preliminary Plat Application
- Narrative Letter
- Plan of Action
- Condominium Declaration
- Preliminary Plat
- Natural Resource Protection Plan